

As electronic commerce has grown dramatically, new policies are necessary to maintain a level playing field so that businesses of all types can both compete and prosper. This bipartisan bill has the support of a broad coalition of Governors, mayors, business leaders, and labor groups, and is especially important to our local governments. I look forward to working with my colleagues to ensure that implementation of these changes is manageable for small businesses in California and elsewhere.●

The PRESIDING OFFICER. The majority leader is recognized.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to a period of morning business, and during that period of time Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent to enter into a colloquy with the Senator from Alaska for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY STRATEGY

Mr. COONS. Madam President, Senator MURKOWSKI of Alaska is a strong leader on energy issues, and I am proud to work with her on the Energy and National Resources Committee. It is fitting that we are here despite representing different States from different regions of the country to talk about an issue we believe can bring us together.

Republicans and Democrats alike can agree that when it comes to American energy, we need a comprehensive, all-of-the-above strategy, and that is the only way we are going to succeed in securing homegrown and affordable sources of energy for the next generation.

In my view, oil and gas are not going away anytime soon. If renewable sources of energy are going to grow and become central players in the American energy marketplace, we have to make sure they are operating on a level playing field. Right now the playing field is anything but equal.

For nearly 30 years, traditional sources of energy have had access to a very beneficial tax structure called Master Limited Partnerships. This is a financing arrangement that taxes projects like a partnership, a pass-through, but trades their interests like a corporate stock. This prevents double taxation and leaves more cash available for distribution back to investors.

This allows limited partners and general partners to come together and invest capital in a Master Limited Partnership and form an operating com-

pany. For the last 30 years, that has been used in natural gas, oil, and coal mining, predominately in pipelines but also in fossil fuels.

Not surprisingly, this structure means MLPs have had access to private capital at a lower cost, and that is something capital-intensive projects, such as oil pipelines, badly need. Frankly, it is something alternative energy projects in the United States need more than ever.

Let's work together and level this playing field. Let's remove the restriction that allows only traditional energy projects, such as, oil, gas, coal, and pipelines, to form MLPs. It is literally in the original statute that only nonrenewable forms of energy are eligible. In my view, we should open it up to include clean and renewable energy and then let the free market take it from there. So this week, Senator MURKOWSKI and I joined Republicans and Democrats from the House and the Senate to introduce the Master Limited Partnerships Parity Act of 2013—a bill that will do just that. We are grateful for the support of Senators JERRY MORAN of Kansas and DEBBIE STABENOW of Michigan, as well as Congressman TED POE of Texas, MIKE THOMPSON of California, PETER WELCH of Vermont, and CHRIS GIBSON of New York, who are original cosponsors.

Our bill does not change these benefits for traditional energy sources at all. It doesn't touch existing MLPs and their well-established benefits for coal and oil and natural gas; it just allows renewable energy projects to compete fairly by also accessing this tax advantage capital formation field. It gives an equal chance for success for projects using energy from wind and the Sun, the heat of the Earth, and biomass; breakthrough technologies to consumers with affordable homegrown energy for generations to come.

This bill is this year a new and improved version of the Master Limited Partnership Parity Act from last year. We introduced a version last year that earned strong support from Republicans and Democrats, as well as outside experts and the business community. This year we are expanding the scope of the bill to also include additional energy projects that qualify as MLPs: waste heat to power, carbon capture and storage, biochemicals, and energy efficiency in buildings. We wanted to include a broader array of clean energy resources because that is how we can get the best competition and deliver the most affordable and efficient energy to consumers from Delaware to Alaska and across our whole country.

MLPs are complicated financial structures, but our bill is very simple. It is just a few pages long. It makes one simple tweak to the Tax Code to bring these renewable energy and clean energy projects into the existing structures of MLPs. It is the embodiment of what I have heard from many colleagues in the last 3 years, that we

should not be picking winners and losers in energy technology, and we should have an "all of the above" strategy.

This change, in my view, will bring a significant new wave of private capital off the sidelines and into the renewable energy marketplace. It allows the private sector to look at clean energy in a whole new way. Today, master limited partnerships have reached a market capitalization of close to \$450 billion with about 80 percent of it devoted to traditional energy projects—oil and gas—and the majority of that to pipelines. Access to this kind of scale of private capital could drive the investment that is essential to creating new jobs in a fast growing new field.

It would also, in my view, bring some fairness, some modernization to this well-established section of our Tax Code. As the Presiding Officer knows, our Tax Code hasn't been broadly modernized in decades. In the mid-1980s, Congress enacted provisions to establish MLPs for oil and gas, timber and coal, and midstream energy industries. This tax benefit hasn't been significantly changed, expanded, or modernized in nearly 30 years.

Just to be clear, we are not talking about taking away any of these benefits for any existing beneficiary industry, just updating them to recognize the modern market reality of new energy technologies and to reflect the changing investment opportunities in the emerging markets of renewable energy. In fact, one of the lead cosponsors of this legislation in the House, Congressman TED POE—Judge POE—a Texas Republican, said at a recent press event we did that over the course of his career, he has represented as many oil refineries as any other Member of Congress. Yet he sees this as an efficient and effective opportunity to expand from its traditional use of pipelines of oil and gas to the broader energy marketplace of the United States, and he is confident expanding this structure to include clean sources of energy would create jobs.

I wish to ask the Senator from Alaska, Ms. MURKOWSKI, if she has seen the same thing in Alaska. Does the Senator from Alaska see this as an opportunity that will help us grow an "all of the above" energy strategy for the United States?

Ms. MURKOWSKI. I say to my friend, the Senator from Delaware, yes. In fact, I view this as an opportunity. I view this as a positive direction as we build out an energy policy that works for the entire country.

The Senator's question is specific to my home State of Alaska, an area that is known for its enormous potential with our fossil fuels, our oil, our natural gas, and the opportunities that have been available to a State such as mine where we have the more traditional fossil fuels. But we are also a State that is rich with potential for renewable energy resources whether it is geothermal, whether it is marine

hydrokinetic, whether it is ocean energy potential, harnessing the tides, harnessing the waves; whether it is biomass, whether it is wind, which we have abundant capacity for; whether it is solar, which we don't often get a lot of credit for, but, yes, we, too, have solar.

So from my perspective as a Senator from Alaska, I am looking to try to find those areas where we can branch out, where we can move the energy discussion to what we are all talking about now, which is an "all of the above" policy. In order to truly have an "all of the above" policy and to avoid picking winners and losers, as the Senator from Delaware has noted, then it is important that when we talk about how we finance these energy projects—and we all know there are considerable dollars at stake with any energy project—then let's work to provide a level of parity, and that is exactly what this bill does.

My hat goes off to the Senator from Delaware. His leadership on this bipartisan measure is extremely important. I can recall when the Senator first came to talk to me about it, and I said: We need to really do wholesome tax reform. I haven't changed my mind on that. But what I have recognized is that if we are to work to build out our energy sector, if we are to work to advance our "all of the above" policy, then we need to be a little more expansive in how we are going to look to the financing opportunities.

So I agreed to join the Senator from Delaware as a cosponsor of the Master Limited Partnership Parity Act because fundamentally, at its base, it is about fairness and opportunity. That is a pretty good place to be sitting.

I think too often in this Nation debates about our energy policy kind of devolve into this advocacy where we show preferential treatment for one sector or another sector. As the Senator from Delaware and I have discussed, I am absolutely an advocate for an "all of the above" approach. I have spelled that out in a blueprint that I have shared with so many of my colleagues called "Energy 2020," which we released earlier this year. But I do think that with the legislation the Senator from Delaware has spearheaded, we have identified a way to further our progress in that direction.

Right now, the oil and gas sector is able to benefit from the master limited partnership structure, and it is a good thing because it has helped to raise billions of dollars in private markets for much needed pipeline infrastructure. We are going to need that as we work to keep up with the natural gas boom we are having in this country—how we build new infrastructure, how we take care of existing infrastructure. So we need to have these financing mechanisms. That is all great. But why not expand that out to the renewable sector? Currently, as the Senator from Delaware points out, the law does not allow for that. It is time to fix that. So

what we do with this legislation is extend the parity to the renewable sector so that businesses that are pursuing investments in biomass, energy efficiency, and other areas are able to structure as an MLP.

I wish to pause here for a moment because I just came back from a bipartisan, bicameral meeting where we were talking about the energy agenda for this Congress moving forward. Of course, as a nation looking at a \$16.8 trillion debt, everything we do we have to figure out how we are going to pay for it. When we think about the energy efficiency initiative—and I note our colleague, Senator SHAHEEN from New Hampshire, is on the floor with us.

Senator SHAHEEN and Senator PORTMAN have spearheaded a great piece of legislation focusing on energy efficiency. We think about how we move that forward because that is going to require dollars. Where do we find those dollars? There are not enough rocks with enough money underneath them to advance this. So if we can expand the opportunities for financing to include our renewables and to include energy efficiencies, this is how we move it forward.

Bottom line, when we are talking about the dollars. This is only going to happen if the private markets think the math makes sense. The investments and the structures of the entities that are making them very well might not occur, but, again, that is not our job. We are not here to pick winners and losers. If it is good, if it works, it will happen. But we are helping to provide a financing mechanism that is fair and creates opportunities. Our job, which this bill highlights, is to provide that level playing field. This is about equality of opportunity, not equality of outcome. We can't guarantee that outcome, but what we can do is kind of level the playing field in terms of what options are available.

This bill enables the renewable sector to structure a certain way. I am certainly glad to be supporting it with the Senator from Delaware. I think we have some momentum. I was talking to some folks up in New York where I addressed an energy financial forum, and what everybody was interested in was not what is happening on the R&D side; it was so much interest in the master limited partnership and its ability to expand to other areas; how we can take a tool that has worked very well for us in the oil and gas sector and push it out to renewables and efficiency.

So I think the momentum is there, and I applaud Senator COONS for his leadership in that regard.

The Senator from Delaware also mentioned the expanded scope. Again, I think that is an important aspect of this bill. I am excited about where we are right now, and I look forward to working with the Senator from Delaware as we build out our renewable energy future here.

Mr. COONS. Madam President, I thank the Senator from Alaska. I am

grateful for her joining me as an original cosponsor and for her being a strong and engaged advocate for this approach at the conference in New York and in conversations with colleagues and in the image she has laid out. She has been a real champion for a commonsense, "all of the above" visionary path forward that will move us on the committee and in the Congress.

As the ranking member of Energy and Natural Resources, the support of the Senator from Alaska is central and significant. I am also glad the chairman is working with me. Senator WYDEN, in a recent public setting, referred to this as "exactly the right approach." I believe, as does the Senator from Alaska, the bill will unleash private capital; that it will help create jobs, modernize our Tax Code, and make it more fair; and I think that is why it has earned support from Republicans and Democrats in the House and in the Senate, but also at some senior levels in the administration.

Former Secretary of Energy Steven Chu said the MLP Parity Act would make "a world of difference and have a profound effect on private capital and investment." Our, hopefully, incoming Energy Secretary, Ernest Moniz, also pointed toward the MLPs as a great opportunity to increase clean energy financing and put it on a level platform.

This legislation has earned backing from business leaders, from investors, from outside experts, from academics. Two experts in energy finance, Felix Mormann and Dan Reicher, from Stanford's Steyer-Taylor Center for Energy Policy and Finance, shared their thoughts in an editorial in the New York Times.

They wrote:

If renewable energy is going to become fully competitive and a significant source of energy in the United States, then further technological innovation must be accompanied by financial innovation so that clean energy sources gain access to the same low-cost capital that traditional energy sources like coal and oil and gas enjoy.

Our financial innovation has to keep up with our energy innovation. It is just that simple. That is why more than 250 companies and organizations have recently signed a letter supporting our Master Limited Partnerships Parity Act. They range from Fortune 500 NRG to the American Wind Energy Association, the Solar Energy Industries Association, the American Council on Renewable Energy, and many more.

Just one more quote, if I might. David Crane, who is the CEO of NRG Energy, said:

The MLP Parity Act is a phenomenal idea. It's a fairly arcane part of the tax law, but it's worked well and has been extremely beneficial to private investment in the oil and gas space. The fact that it doesn't currently apply to renewables is just a silly inequity in our current law.

Well, one of the things the folks we work for expect us to do is to find ways to move forward together, to find ways to nail down and address inequities in

the law, and this is one we can fix with a simple, straightforward bill.

I am so grateful for the cosponsorship of the Senator from Alaska and her leadership, and I agree with her that we are seeing growing momentum behind this free market approach. Does the Senator from Alaska wish to add anything else as we advocate for this bill?

Ms. MURKOWSKI. I thank the Senator from Delaware for his leadership as well as for the opportunity to speak to this issue on the floor today. As we talk about the momentum, I think we recognize that oftentimes there will be good ideas that are discussed and debated but often don't get that full body support that allows a good thought to materialize into policy. I want to let the Senator from Delaware know how committed I am to advancing this good policy.

The Senator mentioned the reference to financial innovation, and I think, perhaps, in view of what we have seen in past years with a little bit of chaos on Wall Street and in our banks with derivatives, et cetera, that some people might be concerned about this new financial innovation. We are not recreating the wheel. This has been, as the Senator from Delaware points out, a financing mechanism that has been available to a certain sector of the energy industry for a considerable period of time. And it has benefited them.

This is not financial innovation in that we are building something out of whole cloth and hoping it works. We know it works. What we are trying to do with this is contained in the title. This is bringing about parity, allowing for an extension of a good financing mechanism that will benefit our energy sector throughout the country.

Again, I do not mean to repeat myself, but when we talk about an "all of the above" energy policy, I think we need to appreciate that there are some things we do from a policy perspective that hinder us from achieving that "all of the above." When we put in regulatory hurdles or when we put in place limitations that would limit our ability to move that "all of the above," then we need to look critically at that, we need to look at how we could address this. So I think the effort, again, to allow for real fairness, equal opportunity, is critical to us.

I want to wrap up my remarks by saying that I think it is important that what we are doing is allowing for this level playing field within the energy sector. So we are not talking about stripping oil and gas pipelines of their eligibility for the MLP status and replacing it with renewables. This is not a swapping-out deal. I would not support that if that were the case. I would also not support it if it extended a false sense of parity by making, let's just say, only wind available for MLP status or only solar. But, as the Senator has noted, this bill includes it all.

We just had a hearing in the Energy Committee this week on hydropower.

There is a great bill coming out of the Energy and Natural Resources Committee. I cannot wait until we get it to the floor. Hydropower holds enormous potential for our Nation. When we talk about kind of the backbone of the American energy system, fossil fuels are kind of it right now, but then hydropower is by far the backbone of the renewable energy sector. About 60 percent of our renewable energy comes from hydropower.

So what we are doing is opening this MLP structure to our renewable resources. But it goes beyond. It is kind of like the Ginsu knife: there is more. It includes the marine hydrokinetics, the biorefineries, alternative fuels, biomass, energy efficient buildings, which I have spoken to, storage, solar, wind, and more.

Again, there is no guarantee that we are going to see billions of dollars of private capital that is going to flood immediately into these sectors. We cannot guarantee the outcomes. But we are trying to ensure equal opportunity across an enormous scope of energy sources.

I again thank the Senator for his leadership on this issue, his stick-to-itiveness. I do think that as we move the issues of tax reform forward, as we move more energy matters through the bodies of the Congress, folks will look at this as a sensible and rational way to approach how we build out an energy sector in this country of which we can all be proud. I thank the Senator for his leadership, and I am so pleased to be part of the effort.

Mr. COONS. I thank Senator MURKOWSKI.

If we are going to lead on energy or in anything, we have to listen to each other and we have to work together. I have been so grateful for the way Senator MURKOWSKI and Senator WYDEN have worked closely together and moved the Energy and Natural Resources Committee forward.

As the Senator referenced, we had a great hearing earlier this week on the Shaheen-Portman bill—the energy efficiency bill on which Senator SHAHEEN of New Hampshire has worked so well with Senator PORTMAN of Ohio—and also some bipartisan bills on hydropower.

It is my real hope that this strong bipartisan bill—opening up master limited partnerships to energy efficiency, to hydropower, and to a dozen other clean and renewable sources of energy—this sort of simple, straightforward, commonsense, bipartisan bill that creates opportunity, will allow the private sector to then marry up with the innovations of researchers and help with the deployment of new energy sources.

At the end of the day, we in Congress—the Federal Government—have to set a realistic policy pathway forward to sustain innovations in the energy market and then let the financial markets work to their fullest potential. The Master Limited Partnerships

Parity Act moves us closer to that goal and that day.

I thank Senator MURKOWSKI for her leadership and for being here with me today, and I thank Senator MORAN and Senator STABENOW, our original Senate cosponsors, and our House counterparts. By leveling the playing field for fair competition, this market-driven solution can provide vital support to the kind of comprehensive, "all of the above" energy strategy we all need to power our country for generations to come.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I came to the floor this evening to address what is known as the Marketplace Fairness Act, but before I do that, I wish to applaud Senator COONS for his work on the master limited partnerships legislation. I think it is a great bipartisan approach to one of our energy needs. I also applaud Senator MURKOWSKI for her leadership on the Energy Committee and for her willingness to work in a bipartisan way to try to move an energy agenda from which this country can benefit. I thank both Senators very much for their efforts, and I look forward to working with both of them on the Shaheen-Portman energy efficiency legislation, which I know that committee heard this week. I really appreciate the efforts to move that forward as well. So I thank both Senators very much.

#### MARKETPLACE FAIRNESS ACT

Mrs. SHAHEEN. Madam President, I really came down to the floor today to continue my opposition to the Internet sales tax legislation that is before us.

The proponents of this legislation claim it is about "fairness," but when you really think about it, this bill is anything but fair. In fact, it creates an unfair situation for small businesses in a number of ways.

First, the legislation is particularly unfair for businesses in my State of New Hampshire and in the other four States in this country that do not collect a sales tax.

I filed amendments, as I know a number of my colleagues have—my colleague from New Hampshire, Senator AYOTTE, has filed a number of amendments—that I hope can help address this issue. But I think it is important for everyone here, especially those who are concerned with creating new red-tape, to understand how this legislation is going to affect small businesses.

This proposal is going to put new regulatory burdens on small companies across the country, not just in New Hampshire. As a result, it is going to put those small businesses at a disadvantage, making it harder for them to compete with large online retailers.

As a former small business owner myself, I understand how time-consuming regulations and compliance requirements can be. Make no mistake, the bureaucratic nightmare we are